

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 24, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 102(e) rejection based upon the teachings of U.S. Patent No. 6,985,742 to Giniger (hereinafter “Giniger”) because Giniger does not teach or suggest each of the claimed limitations. For example, Giniger does not teach or suggest at least encrypting the cell-specific location information on at least one cell of a mobile communication network, as claimed in each of the independent claims. In contrast, the cited portions of Giniger discuss encrypting present location information for a mobile unit which refers to a specific geographic location of the mobile unit. There is no indication that Giniger’s “present location” refers to location information on at least one cell of a mobile communication network. For example, the cited discussion at column eight indicates that the position information identifies a mobile unit as being located within a geographical area of a grid, and there is no teaching or suggestion that these gridded areas (A1-C3) correlate to a cell of a mobile communications network. Thus, the encrypted information of Giniger is not cell-specific location information on at least one cell of a mobile communication network. Without a presentation of correspondence to each of the claimed limitations, the § 102(e) rejection is improper.

Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that

Giniger does not teach every element of independent Claims 1, 7, 14, 21 and 22 in the requisite detail and therefore fails to anticipate at least Claims 1-14 and 16-22. Applicant accordingly requests that the rejection be withdrawn.

In addition, Giniger also fails to teach or suggest determining a geographic coverage area of the cell, as claimed in independent Claims 1, 7 and 21. As discussed above, Giniger teaches that a mobile unit's position is given relative to a portion of an arbitrarily identified gridded area that has not been shown to correspond to a cell of a mobile communications network. Contrary to the assertion at page five, Giniger makes no reference to determining the geographical coverage area of any of these gridded areas. Again, with a presentation of correspondence to each of the claimed limitations, the § 102(e) rejection is improper, and Applicant requests that the rejection be withdrawn.

Moreover, dependent Claims 2-6, 8-13 and 16-20 depend from independent Claims 1, 7 and 14, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Giniger. While Applicant does not acquiesce to the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claims 1, 7 and 14. These dependent claims include all of the limitations of independent Claims 1, 7 and 14 and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 2-6, 8-13 and 16-20 is improper. Applicant accordingly requests that the § 102(e) rejection be withdrawn.

With respect to the § 112 rejection of Claim 7, Applicant respectfully traverses that the claim is a "single means" claim. Contrary to the assertion that a network element of Claim 7 does not appear in combination with another element, Claim 7 is a system claim involving at least one network element and a database. Thus, the claimed system does not satisfy the definition of a single means claim, and Applicant accordingly requests that the rejection be withdrawn.

With respect to the § 112 rejection of Claim 21, Applicant again maintains the traversal of the rejection because the claim is not a "single means" claim. As stated in the cited portion of the MPEP, a single means claim is a claim (typically written in means-plus-

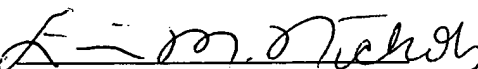
function language) where a recited means is not claimed in combination with another means element or where the claim depends upon a recited property and the claim does not limit the structures claimed for achieving that property. The assertion that "Claim 21 specifically recite a network element, which does not appear in combination with another elements" misinterprets the definition of a "single means claim". Such an interpretation would preclude a claim from being directed to a single device, which is allowable as a claim directed to an item of manufacture (35 U.S.C. § 101). As described in the Specification, a network element is a device operating in a network; for example, Fig. 1 illustrates at least two network elements as being a base transceiver station and a mobile services switching center. These devices consist of multiple components. Also, as pointed out previously, Claim 21 is not written in "means plus function" format and includes multiple properties. The Specification describes the limitations of Claim 21 at least at page 6, lines 1-7 and 21-25; page 12, lines 33-36; and in Claim 7. Moreover, Applicant notes that functional language in claims is permitted. Thus, the rejection appears to be based on an improper interpretation of the definition of a "single means claim" and Applicant requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (NSN.002.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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